

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT A. ERVIN,)	
)	
Petitioner,)	
)	
v.)	Nos.: 3:10-CR-11
)	3:13-CV-347
UNITED STATES OF AMERICA,)	(VARLAN/SHIRLEY)
)	
Respondent.)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum, petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **GRANTED** to the extent his sentence of 60 months will be **VACATED** and the Court will **IMPOSE** a new sentence of 41 months. If this sentence is less than the amount of time the petitioner has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days from its entry in order to give the Bureau of Prisons time to process the release of the petitioner. The Clerk is **DIRECTED** to close the civil file.

E N T E R :

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin
CLERK OF COURT